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12 *Attorneys for Plaintiff CopyTele, Inc.*

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 COPYTELE, INC., a Delaware
18 Corporation,

19 Plaintiff,

20 v.
21 AU Optronics Corporation, a
22 Taiwanese corporation; E INK
23 HOLDINGS, INC., a Taiwanese
24 corporation; and E INK CORPORATION,
25 a Delaware corporation,

26 Defendants.

27 Case No. 3:13-cv-00380-EMC

28 **STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

Date: May 15, 2014
Time: 10:30 a.m.
Dept: Courtroom 5, 17th Floor
Judge: The Honorable Edward M. Chen

1 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, this Stipulation and [Proposed] Order is
2 entered into by and between Plaintiff CopyTele, Inc. (“CopyTele”) and Defendants E Ink
3 Holdings, Inc., a Taiwanese corporation, E Ink Corporation, a Delaware corporation (collectively
4 “E Ink”), and AU Optronics Corporation (“AUO”), a Taiwanese corporation.

5 WHEREAS, CopyTele filed its complaint in this action on January 28, 2013;

6 WHEREAS, on April 29, 2013, AUO filed a motion to compel arbitration and to stay the
7 litigation, and E Ink filed motions to dismiss all claims against it and in the alternative to stay the
8 claims against it pending arbitration between CopyTele and AUO;

9 WHEREAS, on July 9, 2013, in light of CopyTele’s agreement to arbitrate its claims
10 against AUO, this Court stayed the claims against all defendants pending the resolution of the
11 arbitration (Dkt. No. 91);

12 WHEREAS, the parties engaged in Settlement Conference proceedings before Magistrate
13 Judge Jacqueline Scott Corley in August and September but were not successful in resolving the
14 case (Dkt. Nos. 93 & 94);

15 WHEREAS, CopyTele filed its Demand for Arbitration before the American Arbitration
16 Association on September 17, 2013, and AUO filed its Answer in the arbitration on October 28,
17 2013;

18 WHEREAS, a Preliminary Hearing in the arbitration was held on February 4, 2014, and
19 an initial Procedural Order was issued on February 6, 2014;

20 WHEREAS, discovery has commenced in the arbitration, the arbitration panel has ruled
21 on the parties’ discovery objections, and the parties are to produce documents pursuant to the
22 arbitrators’ orders by May 23, 2014;

23 WHEREAS, the final arbitration hearing is scheduled for November 10-21, 2014 in San
24 Francisco, California.

25 WHEREAS, in light of the status of the arbitration and the ongoing status of discovery,
26 the parties respectfully request that the Court continue the Case Management Conference to a
27 date after the final arbitration hearing;

28 **IT IS HEREBY STIPULATED AND AGREED** that:

1. The Case Management Conference shall be continued from May 15, 2014 to December 11, 2014 at 10:30 a.m.
 2. Pursuant to Civil General Standing Order No. 6, the Case Management Conference Statement will be due on or before December 4, 2014.

1 Dated: May 7, 2014

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP

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By: /s/ Eric B. Fastiff
Eric B. Fastiff

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Dated: May 7, 2014

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Attorneys for Defendant E INK CORPORATION

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Dated: May 7, 2014

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*Attorneys for Defendant AU OPTRONICS
CORPORATION*

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

DATED: May 7, 2014

/s/ David T. Rudolph

David T. Rudolph

1 **[PROPOSED] ORDER**

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** For good cause shown:

- 3 1. The Case Management Conference shall be continued from May 15, 2014 to
4 December 11, 2014 at 10:30 a.m.
5 2. Pursuant to Civil General Standing Order No. 6, the Case Management
6 Conference, Statement will be due on or before December 4, 2014.

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8 Dated: 5 / 8, 2014



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